

[11th December 1959]

[Note.—An asterisk (\*) at the commencement of a speech indicates revision by the Member.]

II.—PRIVILEGE MOTION *RE*. BOYCOTT OF GOVERNOR'S ADDRESS BY THE MEMBERS OF THE D.M.K. PARTY IN THE LEGISLATURE.

MR. SPEAKER : I have received notice of a privilege motion from Sri S. Lazar. The rules are clear. Rule 184 says—

‘ A member wishing to raise a matter of privilege shall, before the commencement of the sitting of the day on which he propose to raise the point, leave with the Speaker a written notice of the matter proposed to be raised ’.

Sri Lazar has done this. Rule 186 says—

‘ A matter of privilege must be raised after the questions and before the list of the business for the day is entered upon ’.

Sri Lazar has done this also. Rule 187 says—

‘ The right to raise a question of privilege shall be subject to the following restrictions, viz. :—

(i) The alleged breach of privilege must refer to a matter of recent occurrence;

(ii) A *prima facie* case of a breach of privilege must be made out.’

I think the hon. Member Sri Lazar will explain. Rule 185 says—

‘ If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised ’.

I would like the hon. Member to move the matter and put his case in brief. I shall then decide what I must do.

SRI S. LAZAR : Mr. Speaker, Sir, I beg to bring to the notice of this House that the conduct and speeches of the Members of the Dravida Munnetra Kazhagam Party in the Legislature during the current session amount to a breach of the parliamentary procedure, the provisions of the Constitution and the privilege and prestige of this House and I may be permitted to formulate my motion under rule 184 of the Madras Legislative Assembly Rules as follows :—

His Excellency the Governor of Madras Sri Bishnuram Medhi is the Head of this State under the Constitution of India. It is provided therein under Articles 153 to 155 and 168 there ‘ shall be a Governor in each State ’ appointed by the President by warrant under his hand and seal. The Legislature of this State consists of the Governor and both the Houses of the Legislature. Under Article 175, the Governor has a right to summon the Legislature to meet at such time and place as he thinks fit and may address the Legislature consisting of both the Houses assembled together and may for that purpose require the attendance of the Members,

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and under Article 188, every member of the House before he enters upon his office takes oath or affirmation in the form prescribed under the Third Schedule of the Constitution that he will bear true faith and allegiance to the Constitution.

His Excellency the Governor of Madras summoned both the Houses of the Legislature of this State to meet at 11 a.m. on 5th December 1959 stating that he will address a joint session of both the Houses.

SRI M. KALYANASUNDARAM: On a point of order, Sir.

MR. SPEAKER: Not in the middle.

THE HON. SRI C. SUBRAMANIAM: Sri Lazar has not finished his matter.

SRI M. KALYANASUNDARAM: The motion cannot be read by the Hon. Member. Kindly refer to the rules, Sir. Let the Speaker kindly listen to my point. If I am wrong I am prepared to sit.

MR. SPEAKER: Please let me know the point of order.

SRI M. KALYANASUNDARAM: Sir, under rule 187, a *prima facie* case of breach of privilege must be made out before the motion is made. Kindly read rule 188 of the rules. Under this rule, the hon. Member can only raise a matter of privilege. Then the Speaker shall read the matter to the House and decide whether a *prima facie* case of breach of privilege has been made out or not. It is the Speaker who should read the motion and not the hon. Member. The hon. Member can at best explain to the Speaker his case.

MR. SPEAKER: The hon. Member has referred to Rule 188. It has to be read with Rule 189. Before I know whether a *prima facie* has been made out, how can I decide? I must first know what the hon. Member's point is. There is also Rule 185 which qualifies the consent of the Speaker in such matters. It says, 'If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised.' I do not know what the hon. Member is going to say and what point he is going to raise. So, let me hear him.

SRI M. KALYANASUNDARAM: He can read out his motion but he cannot make a speech now.

MR. SPEAKER: I am afraid I cannot agree with hon. Member Sri Kalyanasundaram. Hon. Member Sri Lazar may go ahead with his speech.



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BY THE MEMBERS OF THE D.M.K. PARTY IN THE  
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**SRI S. LAZAR :** Summons requiring the attendance of every Member of the Legislature have been issued to each Member. Now, hon. Members may kindly listen. Because, this is the point which I am going to raise. Members of this Legislative Assembly belonging to the Dravida Munnetra Kazhagam led by their leader Sri C. N. Annadurai wilfully boycotted the session of the Legislature on 5th December 1959 and as a body absented themselves, having expressed their intention in advance through the Press to boycott the Legislature on that day. They have been doing so intentionally and persistently on former occasions also. Further, while the members of that party speak on the Governor's Address, they avow that they intentionally absented themselves in pursuance of their determination to do so according to the tenets of their party to boycott, a North Indian Governor appointed by North Indian authority. Even on 10th December 1959, Sri M. Karunanidhi, a leader of the Dravida Munnetra Kazhagam Party and their leader Sri C. N. Annadurai spoke in the same strain. They are therefore guilty of acts of gross discourtesy to the Governor of Madras, of contempt of the high office of Governorship, his authority as Head of the State, of the Constitution and of the privileges and prestige of this Assembly. I request reference to page 329 of Volume VIII, Part IV of the Assembly Debates, dated 13th February 1959 and the speeches of Sri M. Karunadhi and C. N. Annadurai, dated 10th December 1959.

I request that the Speaker may be pleased to rule that there is a *prima facie* case and refer the matter to the Committee of Privileges.

**MR. SPEAKER :** When a Member raises a point of privilege, I may decide it straightway whether there is a *prima facie* case or not. Or, I may ask the Hon. Leader of the House and the Leaders of other Parties to give me the benefit of their views on the point raised. In this particular case, I propose to ask the Hon. Leader of the House and other Leaders of Parties to give me the benefits of their views. Even then, I may not give a decision immediately. Anyway, I want to know their views. If they are prepared to give their views just now, they may do so. Or, if they want a couple of days' time to consider this matter before expressing their views here, I have no objection. It is for them to decide. As I said, even after hearing them I may take some time to decide. Now, let me hear the views of the Hon. Leader of the House.

**THE HON. SRI C. SUBRAMANIAM :** Sir, you were good enough to speak to me about this matter just before I came to the House. It raises a very complicated issue and I am not in a position to immediately throw any light on it. Therefore, I request you to give not only to me but also to the other Party Leaders, some time so that we could study this matter and if necessary, also take other learned opinion and then place our points of view before you so that you may take a correct decision.

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MR. SPEAKER: Will Tuesday be all right?

THE HON. SRI C. SUBRAMANIAM: Yes. I have no objection.

SRI M. KALYANASUNDARAM: I agree with the suggestion of the Hon. Leader of the House.

SRI V. K. RAMASWAMY MUDALIYAR: Tuesday will be all right, Sir.

MR. SPEAKER: Well, I shall take up this matter on Tuesday. Though I am not bound to hear and accept your views, I should like to hear what the views of the Leaders of Parties are before giving my decision in the matter. So, I shall take up this matter after the question-hour on Tuesday, the 15th December 1959.

SRI P. U. SHANMUGAM: Sir, I request that copies of the speech of the hon. Member Sri Lazar may be supplied to us.

SRI T. L. SASIVARNA THEVAR: Sir, copies of the same may be supplied at least to the Party Leaders.

MR. SPEAKER: This Privilege Motion has been submitted to me. I am not bound to give it to you. However, if anybody wants, he could ask the Secretary for copies of the same.

### III.—CALLING ATTENTION NOTICE.

MR. SPEAKER: The hon. Member Sri Govindasamy who has given notice under Rule 41 is not in his seat. Uptill now, the custom has been that when a Member who has given notice under Rule 41 was absent, I would take it that he did not want to call the attention of the Minister and that he did not want to have a statement from the Minister concerned on the subject-matter raised in his notice. Therefore, normally in such cases, I used to say, 'The hon. Member is not in his seat and his notice is not pressed.' But, the hon. Member Sri Anbazhagan met me and requested me that this notice may be taken on another day and I have told him that I shall think over his request. If we set up this precedent, it will land me in trouble in future. Because, we have already enunciated and followed the principle that when a Member who has given notice under Rule 41 is absent, it would not be considered. Therefore, I shall give my decision on this point on another day.

### IV.—DISCUSSION ON THE GOVERNOR'S ADDRESS—cont.

MR. SPEAKER: Now, let us proceed with the discussion on the Governor's Address. Hon. Member Sri Anbazhagan had given notice of an amendment, but he has not moved it. If he wants to move it, he may do so. I shall allow him as a special case.